

08-07-00

08/04/00
Jc853 U.S. PTO

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

Attorney Docket No. RG0107US (#90236)

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Jc869 U.S. PTO
09/632735
08/04/00

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): **Maria Isabel Baeza-Ramírez, José Leopoldo Aguilar-Faisal,
Carlos Wong-Ramírez, Miguel Angel Ibáñez-Hernández and
Monica Lara-Uc**

For: **METHODS FOR DIAGNOSTIC AND/OR TREATMENT OF
ANTIPHOSPHOLIPIDS ANTIBODIES-RELATED DISEASES, AND DEVICES**

1. Type of Application

This new application is for a(n) (check one applicable item below):

- ☒ (X) Original
- ☐ () Design
- ☐ () Plant
- ☐ () Divisional
- ☐ () Continuation
- ☐ () Continuation-in-part (CIP)

****NOTE:** If one of the following 3 items apply, then complete and attach added pages for new application transmittal where benefit of a prior U.S. application claimed.

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date noted below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EK980729890US addressed: Box Patent Application, Commissioner for Patents, Washington, D.C. 20231.

Christine A. Kotran
(Type name of persons mailing paper)

Date August 4, 2000

6/2000/ck

Christine A. Kotran

2. Benefit of Prior U.S. Application(s) (35 USC 120)

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OR PRIOR U.S. APPLICATION(S) CLAIMED.

NOTE: **Each** paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(b)

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed Which are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application

- (X) 56 Pages of specification (**Spanish language text**)
(X) 4 Pages of claims (31 claims)
(X) 1 Pages of Abstract
(X) 17 Sheets of drawing
 ☐ formal
 (X) informal

4. Additional papers enclosed

- ☐ Preliminary Amendment
☐ Information Disclosure Statement
☐ Form PTO-1449
☐ Citations
☐ Declaration of Biological Deposit
☐ Special Comments
☐ Other

5. Declaration or oath

- ☐ Enclosed
 executed by (check **all** applicable boxes)
 ☐ inventor(s).
 ☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43

- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- ☐ this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 12 below for fee.
- ☒ Not Enclosed.
- ☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.
- ☐ Showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d).

6. Inventorship Statement

WARNING: If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

- ☒ The same
- or**
- ☐ Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
 - ☐ is submitted
 - ☐ will be submitted.

7. Language

NOTE: An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.17(k) is required to be filed with the application or within such time as may be set by the Office. 37 CFR 1.52(d).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

- ☐ English
- ☒ Non-English (**Spanish language text**)
- ☐ the attached translation is a verified translation. 37 CFR 1.52(d).

8. Assignment

- (X) An assignment of the invention to: Escuela Nacional de Ciencias Biológicas del
Instituto Politécnico Nacional
() is attached (with separate transmittal)
(X) will follow

9. Certified Copy

Certified copy(ies) of application(s)

(country)	(appl. no.)	(filed)
(country)	(appl. no.)	(filed)
(country)	(appl. no.)	(filed)

from which priority is claimed

- () is (are) attached
() will follow

NOTE: The foreign application forming the basis for the claim for priority **must** be referred to in the **oath** or **declaration**. 37 CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. if any parent U.S. application or International Application form which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application then complete item 17 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OR PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation

A. (X) Regular application

CLAIMS AS FILED			
Number Filed	Number Extra	Rate	Basic Fee \$690.00
Total Claims	-20 =	---	X \$18.00 =
Independent Claims	- 3 =	---	X \$78.00 =

Multiple dependent claim(s), if any X \$260.00 =

- ☐ Amendment canceling extra claims enclosed
- ☐ Amendment deleting multiple dependencies enclosed
- ☒ Fee for extra claims is not being paid at this time

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation \$690.00

B. () Design application

(\$310.00 - 37 CFR 1.16(f))

Filing Fee Calculation \$

11. Small Entity Statement(s)

- ☐ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.

Filing Fee Calculation (50% of A or B above) \$

NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. 37 CFR 1.28(a).

12. Fee Payment Being Made At This Time

- ☐ Not Enclosed
☐ No filing fee is to be paid at this time. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)
☒ Enclosed

(X) basic filing fee	\$690.00
<input type="checkbox"/> recording assignment (\$40.00; 37 CFR 1.21(h)(1))	\$
<input type="checkbox"/> petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00; 37 CFR 1.47 & 1.17(h))	\$
<input type="checkbox"/> for processing an application with a specification in a non-English language. (\$130.00 37 CFR 1.52(d) and 1.17(k))	\$
<input type="checkbox"/> processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l))	\$

Total fees enclosed **\$690.00**

13. Method of Payment of Fees

- ☒ Check in the amount of **\$690.00**
☐ Charge Account No. 08-2441 in the amount of \$
A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

14. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing the following items should **not** be completed.

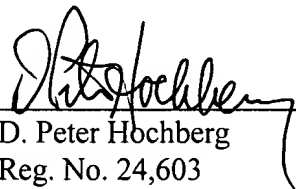
WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- (X) The Commissioner is hereby authorized to charge the following additional fees required by this paper and during the entire pendency of this application to Deposit Account No. 08-2441.
- (X) 37 CFR 1.16 (filing fees)
 - (X) 37 CFR 1.16 (presentation of extra claims)
 - (X) 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
 - (X) 37 CFR 1.17 (application processing fees)
 - () 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311(b)).

15. Instruction As To Overpayment

- () Credit Account No. 08-2441. This transmittal is submitted in duplicate.
- (X) **Refund** directly to the undersigned, **specifically identifying our Docket No. RG0107US.**

Respectfully submitted,

By: 
D. Peter Hochberg
Reg. No. 24,603

DPH/ck
Enc.

D. Peter Hochberg Co., L.P.A.
1940 East 6th Street - 6th Floor
Cleveland, Ohio 44114-2294
(216) 771-3800

() Incorporation by reference of added pages

Check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attached the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

- () Plus Added Pages For New Application Transmittal Wherein
Benefit Of Prior U.S. Application(s) Claimed

Number of pages added _____

- () Plus Added Pages For Papers Referred To In Item 4 Above

Number of pages added _____

(X) Statement Where No Further Pages Added

If no further pages from a part of this Transmittal then end this Transmittal with this page and check the following item

- (X) This transmittal ends with this page.

Practitioner's Doc. No. RG0107US (#90236)

PATENT

XXX Applicant Maria Isabel Baeza-Ramirez et al.

☐ Patentes _____

XXX Application No. 09/632,735

☐ Patent No. _____

XXX Filed on 08/04/2000

☐ Issued on _____

Title: METHODS FOR DIAGNOSTIC AND/OR TREATMENT OF ANTIPHOSPHOLIPIDS
ANTIBODIES-RELATED DISEASES AND DEVICES

#6
Def
3-1-81

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(e) and 1.27(d))—NONPROFIT ORGANIZATION

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below: ESCUELA NACIONAL DE CIENCIAS BIOLOGICAS, DEL

Name of Nonprofit Organization INSTITUTO POLITECNICO NACIONAL.

Address of Nonprofit Organization Prolongación de Carpio y Plan de Ayala, Colonia Santo
Tomas, C.P. 11340, D.F., México

TYPE OF NONPROFIT ORGANIZATION

- ☒ University or Other Institution of Higher Education
- ☐ Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
- ☐ Nonprofit Scientific or Educational Under Statute of State of the United States of America
(Name of State _____)
(Citation of Statute _____)
- ☐ Would Qualify as Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)), If Located in the United States of America
- ☐ Would Qualify as Nonprofit Scientific or Educational Under Statute of State of the United States of America If Located in the United States of America
(Name of State _____)
(Citation of Statute _____)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, with regard to the invention described in

- ☐ the specification filed herewith, with title as listed above.
- XXX the application identified above.
- ☐ the patent identified above.

000000-55222500

I hereby state that rights under contract or law have been conveyed to, and remain with, the nonprofit organization, with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. 1.9(c), if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e)

**NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27).*

Each such person, concern or organization having any rights in the invention is listed below:

☒ No such person, concern, or organization exists.

☐ Each such person, concern or organization is listed below.

Name _____

Address _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

Name _____

Address _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 52,131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 C.F.R. § 1.4(d)(2).

☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing Dr. Francisco Javier OSORNIO - CORTES
Title in Organization Abogado General y Representante Legal del IPN.
Address of Person Signing Avenida Luis Enrique Erro sin número,
Unidad Profesional "Adolfo López Mateos", colonia Zacatenco, Delegación
Gustavo A. Madero, 07738 Ciudad de México, Distrito Federal, México.

SIGNATURE

Date Agosto 17 del 2000

Name of Person Signing M. en C. María Dolores GUTIERREZ - PASTRANA
Title in Organization Directora
Address of Person Signing Prolongación de Carpio y Plan de Ayala,
Colonia Santo Tomás, C.P. 11340, D.F., México.

SIGNATURE

Date 14 de agosto del 2000

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